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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

Letter dated 6 March 1995 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to refer to a letter sent to you by Ambassador Nacre Benjelloun-Touimi, Permanent Representative of the Kingdom of Morocco and the Chairman of the Organisation of the Islamic Conference (OIC) group, forwarding an OIC statement on the question of Jammu and Kashmir and requesting its circulation as an official document of the Human Rights Commission. 1/

1/ E/CN.4/1995/160

Earlier, OIC had requested the circulation of a memorandum of human rights violations by the representatives of the Kashmiri people, as a document of the fifty-first session of the Commission. However, it is now understood that the memorandum cannot be circulated at the request of OIC as the latter is an intergovernmental organization and not a Member State of the United Nations. In view of the above, this Mission has the honour to request that the enclosed memorandum be circulated, along with the letter referred to above, as an official document of the Human Rights Commission.

(Signed) Mustafa Bijedic
Ambassador and
Permanent Representative

Memorandum on human rights violations from the representatives of the Kashmiri people

1. The true representatives of the Kashmiri people from Azad Kashmir and Indian occupied Kashmir attending the fifty-first session of the Commission on Human Rights met in Geneva on 23 February 1995 under the aegis of the representative of the OIC Secretary General. The meeting was in accordance with the provisions of the resolution on Jammu and Kashmir, passed unanimously during the Seventh Islamic Summit held in Casablanca in December 1994.

2. After deliberating on the grave situation of human rights in Indian held Kashmir, they agreed to draw the attention of the members of the Commission on Human Rights to the following facts:

(i) The right of self-determination of the people of Jammu and Kashmir, promised to them by India, Pakistan and the United Nations through several resolutions of the United Nations Security Council, has not been exercised;

(ii) A large part of the disputed State of Jammu and Kashmir is under the occupation of around 600,000 Indian troops;

(iii) Since January 1990, India has been engaged in a campaign of repression against the Kashmiri people, in which 40,000 innocent Kashmiris have been killed, 32,000 wounded, 55,000 are missing and more than 20,000 have been disabled. During this period 4,700 Kashmiri women between the ages of 7 and 80 and have been raped by members of the Indian occupation forces. Properties worth billions of dollars have been destroyed;

(iv) Despite Indian claims to the contrary, the campaign of repression by India in Kashmir has been intensified. Recent reports of Amnesty International, Human Rights Watch, Physicians for Human Rights, the International Federation of Human Rights, the US Congressional Human Rights Commission, the British Parliamentary Human Rights Committee, the European Parliament, the Jammu and Kashmir High Court Bar Association and many others have all attested to the continuing massive violations of human rights in Kashmir;

(v) The Indian strategy is to crush the Kashmiri freedom movement and then impose a fraudulent political process on Kashmir. The Kashmiri struggle has not been crushed despite five years of massive Indian repression. It will continue until the Kashmiris realize their right to self-determination. The All Parties Hurriyat (Freedom) Conference, representing 34 Kashmiri political parties, has rejected the so-called political process and has declared that any election held under the Indian Constitution will not be acceptable to the people of Kashmir. The so-called political process or the elections could not be a substitute for a plebiscite. The United Nations Security Council also clearly pronounced, in resolutions 91 (1951) and 122 (1957), that any such action "would not constitute a disposition of the State" in

accordance with the principle of a free and impartial plebiscite to be conducted under the auspices of the United Nations.

3. The true representatives of the Kashmiri people request the members of the Commission on Human Rights to convince India to accept the following:

(i) Halt its repression in Kashmir and withdraw its forces from the disputed State in accordance with the United Nations Security Council resolutions;

(ii) Disengage Indian troops, including removal of bunkers and pickets from Kashmiri towns pending the withdrawal of Indian forces;

(iii) Release all Kashmiris imprisoned in Jammu and Kashmir, as well as in India;

(iv) Ensure that the Indian security forces observe the norms of humanitarian law relating to armed conflicts and refrain from indulging in torture, custodial deaths, disappearances, arrests without warrants, and acts of humiliation against Kashmiri women;

(v) Repeal urgently the emergency and other draconian laws which enable the Indian forces, agencies and authorities to violate human rights in Kashmir with impunity;

(vi) Provide full and unrestricted access to Kashmir for all human rights organizations and relief agencies, including access to all imprisoned Kashmiris, political leaders and sites of reported massacres and violations of human rights. These steps should include the establishment of permanent offices in Srinagar and elsewhere in Kashmir by the International Committee of the Red Cross, early visits to Kashmir by the High Commissioner for Human Rights, Amnesty International and the thematic rapporteurs on torture, disappearances and arbitrary detention, etc.;

(vii) Ensure provision of humanitarian assistance by the international humanitarian and relief agencies for those Kashmiris affected by Indian repression.

4. The Kashmiri representatives finally urge that the Commission on Human Rights and the High Commission for Human Rights submit a report on the human rights violations in Jammu and Kashmir during the next sessions of the General Assembly and this Commission, on the basis of the information obtained from all the relevant sources.

5. The Kashmiris feel that the above measures are a prerequisite for the creation of a conducive climate for the implementation of the Security Council resolutions calling for the exercise of the right to self-determination of the people of Kashmir.